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Democratic Whip



Senate of Pennsylvania

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March 1, 2016

Chairman Coleman and Members of the Committee,

Thank you for allowing me the opportunity to provide testimony regarding House Bill 5400. I sponsored similar legislation in Pennsylvania from 2011 to 2014, when it was finally passed as part of an omnibus education bill. By way of background, I am currently the Democratic Whip of the Pennsylvania Senate, representing West and Southwest Philadelphia as well as parts of South Philadelphia and Delaware County. I serve as the Democratic Chairman of the State Government Committee in addition to membership on half a dozen other standing committees including Education.

I've held public office since 1988 and, for much of my time as an elected official, focused my attention on the needs of my most vulnerable constituents. That's why I so forcefully advocate to provide the strongest, most equitable educational options for families and the most flexible and innovative work environments for a population I love dearly, educators.

My mother is a retired public school educator, and I have visceral memories of the dedication she and her friends and colleagues gave to not just their pupils and their principals, but also to the very standards of the profession. I also recall how grieved they were when one of their own betrayed that trust. Above all, the role of an educator is to provide a child with the tools he or she needs to skillfully navigate the world. That requires providing a safe space for that learning, a space free of predators and abusers.

That's why I worked so hard to pass legislation that protects our children from sexual misconduct and abuse by those who have been entrusted to guide and nurture them. Prior to passage of Pennsylvania's SESAME act, our Commonwealth's teaching profession was in crisis. According to the PA Department of Education, 50 out of 100 notifications across the state regarding educator disciplinary actions were related to sexual misconduct in 2010. Just 10 of the actions resulted in suspensions, while 16 individuals had their certification revoked, and 24 individuals were given the option to surrender their certificate in lieu of facing discipline.

Given the *option*!

Yet the children who suffered from those abusive acts weren't afforded the *option* of ignoring the nightmare. Let me tell you, eleven senators comprise the senate education committee – and I

can say in all honesty, and without shame, that nearly all of us were moved to tears by the testimony offered by parents who have lived through these nightmares. No family ever should be subjected to this level of distress, heartache, and turmoil. No family deserves this.

During the course of those hearings, teachers' unions and the Pennsylvania School Board Association testified that *they knew* this was a problem – it even had a name. Administrators knew the practice as “passing the trash.” Suspected predators were long allowed to resign and keep their teaching certificate, even before the matter was brought to the attention of the Pennsylvania Department of Education or local law enforcement. The predator could then move on, teaching certificate in hand, to another unsuspecting school district.

We found instances where incentives were offered, for fear of costly litigation or potentially embarrassing revelations. Those “hush” packages might include letters of recommendation. Or taxpayer-funded health benefits. Or confidentiality agreements between the school and the abuser. Sometimes, it was voluntary surrendering of teaching certificates, in lieu of legal action.

Passing the trash must end now, nationwide! The members of this committee and this legislative body have the opportunity and the duty to protect the students of Connecticut from this abhorrent practice. That is why I urge the passage of House Bill 5400 without delay.

The final legislative draft of the Pennsylvania law, passed by both chamber unanimously, was the result of many revisions, research and meetings with stakeholders including teachers unions, bus drivers, parents' groups and advocates. Even as the bill languished for years in a House committee over unrelated political disputes, new reports surfaced almost weekly of teacher sexual misconduct in Pennsylvania. One case of abuse stood out: In January of 2014, a softball coach pled guilty to institutional sexual assault and possession of child pornography following an inappropriate relationship with a sixteen year old female student. Following his arrest, it was discovered that this was not the first time he was caught. Three years prior, he allegedly made sexual advances toward a student athlete via text message as he sat next to her on a bus. His employer, a private school, learned of the predatory behavior and allowed him to resign instead of reporting the incident to authorities. Without a record of investigation, this predator had no problem getting hired at another Pennsylvania school, where he continued to harass and victimize children.

I'm proud to say that Pennsylvania now provides strong protections for children through a comprehensive employment review process for certified and non-certified educators as well as any other prospective employees who are in direct contact with children. Prospective employers must ask – and past or present employers must disclose – whether a current or former employee has been the subject of a sexual abuse or misconduct investigation. Likewise, they must disclose whether the applicant has ever resigned from or left employment while allegations of such misconduct were pending; if an applicant has ever been disciplined, discharged, non-renewed or asked to resign; or if the applicant has ever had a license, professional license or certificate suspended or revoked. Agreements that would suppress any such information are now prohibited.

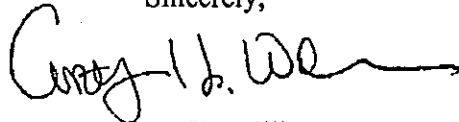
And to be clear, the definition of "sexual misconduct" includes those behaviors recognized as the grooming techniques of serial predators. We designed this legislation to empower school employees and administrators, as well as students and parents, to recognize and report these behaviors and, perhaps, prevent a greater tragedy. This applies to public, parochial, charter, and independent schools.

We can't keep our hands tied, or remain mired in antiquated processes. For the sake of our children, we *must* be more stringent about the people we would put around them. We can no longer shirk that duty. We owe this not just to the parents who entrust their children to the care of our schools, but to the vast majority of decent, hard-working people who staff those buildings – from custodial services to classroom educators to building administrators. None of them deserve unwarranted taint or scorn, not when we can enact provisions that would protect their reputations and souls from harm as well. And we should do that.

We should summon our collective political and public will to continue to make these laws a reality.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony H. Williams", with a long horizontal flourish extending to the right.

Anthony H. Williams
State Senator – 8th District